

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Audible Magic Corporation, et al

Defendant.

CASE NO. 6:12-CV-576 MHS

CONSOLIDATED CASE

Jury Trial Demanded

ORDER OF DISMISSAL WITHOUT PREJUDICE OF TUNECORE, INC.

Pursuant to Fed. R. Civ. P. 41(a), recognizing the Agreed Motion to Dismiss filed by plaintiff Blue Spike, LLC and defendant TuneCore, Inc., it is ordered as follows:

ORDERED that the claims asserted herein by plaintiff Blue Spike, LLC against defendant TuneCore, Inc. be, and hereby are, dismissed without prejudice;

ORDERED that the defenses asserted herein by defendant TuneCore, Inc. against plaintiff Blue Spike, LLC be, and hereby are, dismissed without prejudice; and

ORDERED that the parties shall bear their own attorneys' fees, expenses and costs, subject to the condition that if in the future Blue Spike files a new case against TuneCore for claims that were asserted in this case, TuneCore has reserved the right to seek, in the new case, recovery from Blue Spike of the attorneys' fees, expenses, and/or costs TuneCore has incurred in this case.